

**MINUTES-REGULAR MEETING  
MAIZE CITY PLANNING COMMISSION AND  
BOARD OF ZONING APPEALS  
THURSDAY, FEBRUARY 7, 2019**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday February 7, 2019, for a Regular Meeting with **Bryan Aubuchon**, presiding. The following Planning Commission members present were **Mike Burks, Bryant Wilks, Andy Sciolaro, Bryan Aubuchon, Dennis Downes, Mike Strelow**, and **Hugh Nicks**. Also present were **Sue Villarreal**, Recording Secretary; **Kim Edgington**, Planning Administrator; **Bill McKinley**, City Engineer; **JoAnna Kilgore**, Applicant; **Phil Meyer**, Baughman; **Buffy McCarty**, Citizen.

**APPROVAL OF AGENDA**

**MOTION:** **Wilks** moved to approve the agenda as presented.  
**Sciolaro** seconded the motion.  
Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** **Sciolaro** moved to approve the minutes of December 6, 2018.  
**Wilks** seconded the motion.  
Motion carried unanimously.

*Edgington and Strelow enter. 7:03 pm*

**Z-01-019 – Zone change for approximately 0.91 acres from SF-5 Single Family to NR Neighborhood Retail at 109, 111 and 117 W Academy Avenue.**

**Edgington** stated that Neighborhood Retail zoning would allow the properties to be renovated to allow for various uses such as retail, commercial, office and residential similar to Moxi Junction. The property at 109 W Academy is proposed to be used as a day house for special needs residents. There are also plans to construct a building for a dance studio on the south portion of this lot.

**Kilgore** explained that she wanted to enhance the area building on the success of Moxi Junction and continue the vision of the Academy Arts plan and development.

**McCarty** expressed concerns regarding parking, lighting, screening, drainage and hours of operation.

**MOTION:** **Downes** moved to approve Z-01-019 subject to the following conditions and based on the findings as listed below:

**Conditions**

1. Facing of buildings on all lots must be of residential structure and character
2. Windows for commercial structures must be minimum of 6 feet off of finished floor
3. Minimum 6 foot fence along south property line for screening
4. Hours of operation for commercial property: weekdays from 6:00 a.m. to 10:00 p.m. and weekends from 6:00 a.m. to 11:00 p.m.
5. No lighting on south façade of commercial property

**Findings:**

1.The zoning, uses and character of the neighborhood: This property is located within an area that is currently almost residential local commercial in character. The type of proposed use would be consistent with residential development and could be made to be sensitive to surrounding land uses in its design, scale and intensity. The applicant plans to retain the residential appearance of the structures which will ensure the development is consistent with neighboring properties.

2.The suitability of the subject property for the uses to which it has been restricted: The property is used for residential purposes as currently zoned. The site is suitable for residential use for the time being but could be more appropriate as a low-intensity residential supporting use incorporating a low intensity neighborhood retail aspect.

3.Extent to which removal of the restrictions will detrimentally affect nearby property: NR zoning at this location could allow uses which may be deemed appropriate adjacent to residential uses. Building scale and signage are limited in order to ensure compatibility with the surrounding neighborhood.

4.Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The City of Maize Comprehensive Plan recommends this area for neighborhood uses. The nature of the proposed use is compatible with this use. The Academy District Plan encourages mixed use development along the Academy corridor.

5.Impact of the proposed development on community facilities: The requested zone change would not introduce a more intensive land use to the area. Public street and water and sewer services are capable of handling this type of use.

*Nicks* seconded the motion.  
Motion carried unanimously.

**S/D 01-019 – Preliminary plat for Eagle’s Nest 2<sup>nd</sup> Addition**

*Edgington* stated there would be 164 lots and is an expansion of the original development.

*Meyer* was present to answer questions from the commisioners.

**MOTION:** *Burks* moved to approve S/D 01-019 subject to the following staff comments:

- A. City water and sewer services will be available to serve the site.
- B. Staff recommends that all building setback lines be removed from the face of the plat and that setbacks be determined by the underlying zoning district.
- C. Westar Energy recommends additional easements as notated on the marked up plat submitted to the Applicant’s Engineer.
- D. Sedgwick County Fire Department has approved the layout of streets.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions, with cost estimates shall be submitted to the City of Maize for recording along with the final plat.

- F. **City Engineering** will need to review and approve a final drainage plan before the final plat is approved. \_
- G. Homeowner Association bylaws and covenants will need to be submitted with the final plat and before the plat is reviewed by the City Council.
- H. A sidewalk plan will need to be submitted with the final plat and before the plat is reviewed by the City Council.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the final plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City of Maize, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. This property is in Flood Zone "X" on the FEMA flood map.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable (water service and fire hydrants required for fire protection shall be as per the direction and approval of the Chief of the Sedgwick County Fire Department.)
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Maize, erosion and sediment control devices must be used on ALL projects.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within sixty (60) days after approval by the City Council.
- R. The applicant is reminded that a compact disk (CD) shall be submitted with the final plat tracing to the City of Maize detailing this plat in digital format in AutoCAD, or sent via e-mail to scoelho@cityofmaize.org. This will be used by the County GIS Department.

*Strelow* seconded the motion.  
Motion carried unanimously.

**ADJOURNMENT:**

**MOTION:** With no further business before the Planning Commission,

**Downes** moved to adjourn.  
**Burks** seconded the motion.  
Motion carried unanimously.

Meeting adjourned at 8:37 pm.

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Sue Villarreal  
Recording Secretary

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Bryan Aubuchon  
Chairman